



September 28, 2006

## **Joseph Bevilacqua is fined \$40,000 in resentencing for perjury and contempt**

In a resentencing directed by the First Circuit Court of Appeals, a federal judge today fined **Joseph A. Bevilacqua** \$40,000 for disseminating a surveillance tape in violation of a court order and then denying under oath that he had done so. The fine is in addition to an 18-month prison sentence imposed in September 2005.

United States Attorney Robert Clark Corrente announced the fine, which U.S. District Court Judge Mary M. Lisi imposed in U.S. District Court, Providence

When initially sentencing Bevilacqua last year, Judge Lisi ordered him to pay the Court \$152,247, the amount it cost for a special prosecutor to investigate the leaking of the tape. However, on appeal, the First Circuit ruled that the courts do not have the authority to impose on a defendant the costs of a special prosecutor.

“The American legal tradition does not, absent specific statutory authority, require defendants to reimburse the government for the costs of their criminal investigations or their criminal prosecutions,” the Court wrote in an opinion issued in May. However, the Court said that the sentencing judge could impose a fine and remanded the case to the District Court for resentencing.

At today’s resentencing, Assistant U.S. Attorney Kenneth P. Madden asked for the \$40,000 fine, the most permitted under federal sentencing guidelines for this case.

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In May 2005, Bevilacqua pleaded guilty to perjury and criminal contempt. Assistant U.S. Attorney Madden said at the time that the government could prove that, in February 2002, Bevilacqua falsely denied under oath that he had leaked to WJAR-TV reporter Jim Taricani a surveillance tape from the Plunder Dome public corruption investigation. The tape was covered by a protective order issued in 2000, prohibiting dissemination of Plunder Dome surveillance tapes to anyone not directly involved in the related criminal cases.

After WJAR-TV broadcast one of the tapes in February 2001, Chief U.S. District Court Judge Ernest C. Torres appointed a special prosecutor, Marc DeSisto, to determine who had violated the order. In a sworn deposition in February 2002, Bevilacqua, who represented a Plunder Dome defendant, denied that he had been the source of the tape. However, in December 2004, when Judge Torres was sentencing Taricani to home confinement for refusing to disclose his source, Bevilacqua conceded that he had been the source.

Bevilacqua is due to be released from federal custody in January.

The Federal Bureau of Investigation investigated the Bevilacqua matter. First Assistant U.S. Attorney Madden prosecuted the case.

Operation Plunder dome was a public corruption investigation into the administration of Providence Mayor Vincent A. Cianci. It led to convictions of nine defendants, including Cianci.

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